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SENATE

{ REPORT
{ No. 20

ALFRED F. BOSCHE

JANUARY 17 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 45]

The Committee on the Judiciary, to which was referred the bill (S. 45) for the relief of Alfred F. Bosche, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 8 change the period to a colon and add the following:

Provided, That the said Alfred F. Bosche returns to the United States to reside permanently within two years following the effective date of this act.

PURPOSE OF THE BILL

The bill, as amended, provides that, notwithstanding the provisions of section 404 of the Nationality Act of 1940, the beneficiary of the bill shall be considered to have retained his United States citizenship regardless of any period of residence outside the United States, provided he returns to the United States to reside permanently within 2 years following the effective date of the act.

STATEMENT OF FACTS

The pertinent facts in the case are set forth in the below quoted letter dated July 27, 1949, addressed to the chairman of the Senate Committee on the Judiciary from the Assistant to the Attorney General with reference to a bill which was introduced in the Eighty-first Congress for the relief of the same alien:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT OF THE ATTORNEY GENERAL,
Washington, July 27, 1949.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1532) for the relief of Alfred F. Bosche, an alien.

The bill would provide that notwithstanding the provisions of section 404 of the Nationality Act of 1940, Alfred F. Bosche, shall be considered to have retained his United States citizenship regardless of any period of residence outside the United States.

The records of the Immigration and Naturalization Service of this Department disclose that the beneficiary of the bill was born in Nicaragua on July 5, 1915, and resided in that country until August 21, 1922, when he came to the United States with his parents, two brothers, and a sister. His parents, who were born in Austria, were naturalized as citizens of the United States in Oakland, Calif., on May 1, 1931, at which time he derived United States citizenship through the naturalization of his father, since he was a minor and a lawful permanent resident of the United States.

During June of 1935, Mr. Bosche went to Nicaragua to manage his father's coffee plantation. He next returned to the United States in the spring of 1939, and after a short visit, returned to Nicaragua and resided there until October 1942, when he again came to the United States, entering at El Paso, Tex. In 1944 and 1945 he served in the European theater of operations as a soldier in the United States Army.

The files of the State Department indicate that Mr. Bosche has resided in Nicaragua since February 1946, and as a consequence has lost his United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940 (8 U. S. C. 804), which provides that a naturalized citizen shall lose his nationality by residing for 3 years in the country of his birth. Having acquired United States nationality through his father's naturalization, Mr. Bosche is considered a naturalized citizen.

In explanation of his prolonged residence in Nicaragua, Mr. Bosche stated that during the 3 years he served in the Army, his coffee plantation became very much run down as the manager he had put in charge had mismanaged it to the extent that he lost thousands of coffee trees and that the funds which were left with him were squandered. He further claims that the manager borrowed money in his name and kept it for his own use. Mr. Bosche stated that because of this state of affairs it has been necessary for him to spend more time in Nicaragua than he otherwise would have had to spend. He desires to maintain his American citizenship but feels that he must remain in Nicaragua until such time as his coffee plantation is back to normal production.

Whether this bill should be enacted presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 45), as amended, should be enacted.

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